

REMARKS/ARGUMENTS

7 claims, claims 11 through 17, are pending in this application. Claims 1 through 10 have been cancelled, and claims 11 through 17 are newly added by the present amendment. It is believed that no new matter is introduced by the present amendments to the claims.

Claim Rejections – 35 USC §112

Claims 3-6 and 8-10 have been rejected under 35 U.S.C. §112, first paragraph, as not being enabled by the disclosure. The Office has asserted that the claims are not enable for a method of treating a human with atherosclerosis, using the ketolides of the claimed invention. The claims have now been amended to more particularly point out and more distinctly claim what the applicant regards as the invention. The invention is a method of preventing arterial thrombotic complications that are related to atherosclerosis. These complications involve aggregation of platelets, and the compounds recited in the claims inhibit the aggregation of platelets. The rejection under 35 U.S.C. §112, first paragraph, as not being enabled by the disclosure for a method of treating atherosclerosis should be withdrawn since these claims have been cancelled, and such withdrawal is respectfully requested.

Claim Rejections – 35 USC §102

Claims 8 and 10 stand rejected under 35 U.S.C. §102(e) as being anticipated by Leadlay et al. (U.S. 6,437,151). The claims have now been amended so that they no longer claim a method of treating atherosclerosis. The Leadlay reference teaches a method of treating atherosclerosis, where the atherosclerosis is related to infection by *Chlamydia pneumoniae*. This reference does not appear to be related to the presently claimed invention, since the claims in question have now been cancelled. The withdrawal of this rejection is respectfully requested.

Claims 8 and 10 stand rejected under 35 U.S.C. §102(e) as being anticipated by Masamune et al. (U.S. 6,025,350). This reference teaches a method of treating atherosclerosis, where the atherosclerosis is related to infection by *Chlamydia pneumoniae*. This reference does not appear to be related to the presently claimed invention, since the

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claims in question have now been cancelled. The withdrawal of this rejection is respectfully requested.

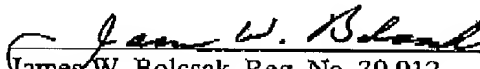
Claim Rejections – 35 USC §103

Claims 3-6 and 8-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shor et al. (U.S. 5,424,187) in view of Agouridas et al. (U.S. 5,747,467). Shor teaches methods for treating arterial chlamydial granulomatous disease using erythromycins. Agouridas teaches a method of treating *Chlamydia* infections using ketolides. These references, taken singly or in combination, neither teach nor suggest the presently claimed invention, since the claims in question have now been cancelled. The withdrawal of this rejection is respectfully requested.

It is believed that this response is being filed with a need for a three month extension to the three month shortened period for response, and a petition for a three month extension is included herewith, along with authorization to charge Deposit Account 18-1982 for the required fee. It is believed that no additional fee for claims is due as a result of the present amendment.

The Applicant respectfully requests further examination of this application, and a favorable decision thereon. A prompt Notice of Allowance is respectfully solicited. If the examination of this application can be expedited by a telephone conversation, the Examiner is invited to call the undersigned practitioner, collect if necessary, at 908-231-5922.

Respectfully submitted,


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